

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

BDO USA, P.C.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 3:24-cv-00179-HEH
	)	
ANKURA CONSULTING GROUP, LLC,	)	
PHUOC VIN PHAN and KEVIN LAVIN,	)	
	)	
Defendants.	)	

**MEMORANDUM IN SUPPORT OF CONSENT MOTION FOR LEAVE  
TO WITHDRAW AS COUNSEL**

David Barmak and the law firm of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. (“Mintz”), pursuant to Local Civil Rule 83.1(H), submit this Memorandum in Support of the Consent Motion for Leave to Withdraw as Counsel:

Mr. Barmak and Mintz, along with counsel at the law firm of O’Hagan Meyer, represent Defendants Ankura Consulting Group, LLC (“Ankura”) and Kevin Lavin (“Lavin”) in this action. *See* ECF Nos. 12, 60. Mr. Barmak and Mintz now seek leave of Court to withdraw as counsel of record for Ankura and Lavin. Counsel at O’Hagan Meyer will continue in their representation of Ankura and Lavin. In addition to their counsel at O’Hagan Meyer, Ankura and Lavin have retained counsel at Proskauer to represent their interests in this action.

On December 2, 2024, Applications for Admission *Pro Hac Vice* were filed for Steven J. Pearlman, Mark W. Batten and P. Kramer Rice, attorneys at Proskauer, seeking admission *pro hac vice* to represent Ankura and Lavin. ECF Nos. 80-82. On December 3, 2024, the Court granted the *pro hac vice* applications thereby allowing Messrs. Pearlman, Batten and Rice to appear *pro hac vice* as counsel of record for Ankura and Lavin. ECF Nos. 83-85.

As evidenced by the foregoing, Ankura and Lavin consent to the requested withdrawal of Mr. Barmak and Mintz as counsel of record and received reasonable notice of the same as required by Local Civil Rule 83.1(H).<sup>1</sup> Plaintiff BDO USA, P.C. and Defendant Phuoc Vin Phan, through their respective counsel, do not oppose the relief requested and consent to the withdrawal. Thus, the requested withdrawal will not cause prejudice to any party. Nor will the requested withdrawal result in undue delay or impact any of the deadlines in this case. No trial date has been set and counsel at Proskauer and O'Hagan Meyer are available to appear on behalf of Ankura and Lavin at the motions hearing and Initial Pretrial Conference scheduled for January 17, 2025.

Accordingly, Mr. Barmak and Mintz respectfully request that the Court grant leave to withdraw as counsel of record. As demonstrated, the requested withdrawal as counsel of record will simply allow Mr. Barmak and Mintz to formally end their involvement in the representation of Ankura and Lavin in this case and relieve them of their duties as counsel of record.

For these reasons, the Consent Motion for Leave to Withdraw as Counsel should be granted.

Dated: December 4, 2024

Respectfully submitted,

/s/ David Barmak  
David Barmak (VSB No. 15853)  
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY  
AND POPEO, P.C.  
555 12<sup>th</sup> Street NW, Suite 1100  
Washington, D.C., 20004  
Telephone: (202) 434-7300  
Facsimile: (202) 434-7400  
Email: dbarmak@mintz.com

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<sup>1</sup> Local Civil Rule 83.1(H) provides: “No attorney who has entered an appearance in any civil action shall withdraw such appearance, or have it stricken from the record, except on order of the Court and after reasonable notice to the party on whose behalf said attorney has appeared.